

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 23-cv-61155-BLOOM  
(Case No. 88-cr-06033-BLOOM-6)

JOSE LUIS RUIZ,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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**ORDER DENYING MOTION FOR LEAVE TO APPEAL *IN FORMA PAUPERIS***

**THIS CAUSE** is before the Court on Movant Jose Luis Ruiz's Motion for Leave to Appeal *in forma pauperis*, ECF No. [14]. For the following reasons, the Motion is denied.

Motions to appeal *in forma pauperis* are governed by Rule 24(a) of the Federal Rules of Appellate Procedure and 28 U.S.C. § 1915. First, Federal Rule of Appellate Procedure 24(a) requires that "a party to a district-court action who desires to appeal [*in forma pauperis*] must file a motion in the district court." Fed. R. App. P. 24(a)(1) (alteration added). The party also must attach an affidavit that: (1) "shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs[.]" Fed. R. App. P. 24(a)(1)(A) (alteration added); (2) "claims an entitlement to redress[.]" Fed. R. App. P. 24(a)(1)(B) (alteration added); and (3) "states the issues that the party intends to present on appeal[.]" Fed. R. App. P. 24(a)(1)(C) (alteration added). Next, 28 U.S.C. § 1915(a) requires prisoners "seeking to . . . appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor" to file an affidavit and "a certified copy of the trust fund account statement (or institutional equivalent) . . . for the 6-month period immediately preceding the filing of the complaint . . . from the

appropriate official of each prison at which the prisoner is or was confined.” 28 U.S.C. § 1915(a) (alterations added).

The Court finds that Movant’s Motion to Appeal *in forma pauperis* fails to satisfy the requirements of Rule 24(a) of the Federal Rules of Appellate Procedure or 28 U.S.C. § 1915. First, Movant did not provide the Court with “a certified copy” of his prison trust fund account statement for the preceding six months. *See* Fed. R. App. P. 24(a)(1)(A); 28 U.S.C. § 1915(a). Second, Movant failed to list the issues he intends to present on appeal. *See* Fed. R. App. P. 24(a)(1)(C). The Motion is accordingly facially insufficient under Rule 24(a) and § 1915(a).

Accordingly, it is **ORDERED AND ADJUDGED** that Petitioner’s Motion for Leave to Appeal *in forma pauperis*, **ECF No. [14]**, is **DENIED**.

**DONE AND ORDERED** in Chambers at Miami, Florida, on April 16, 2024

A handwritten signature in black ink, appearing to be 'JB' or similar, with a long horizontal stroke extending to the right.

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**BETH BLOOM**  
**UNITED STATES DISTRICT JUDGE**

Copies to:

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